

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 BRANDON LAMAR PRUITT,

8 Defendant.

Case No. 2:16-cr-00285-APG-NJK

**ORDER DENYING MOTION IN LIMINE
TO EXCLUDE 404(b) EVIDENCE**

(ECF No. 158)

9
10 Defendant Brandon Lamar Pruitt's motion to exclude Rule 404(b) evidence (**ECF No. 158**)
11 **is DENIED as moot.** The Government has indicated it will not offer such evidence in its case-in-
12 chief. ECF No. 168 at 4. Should Government counsel believe the defense has opened the door to
13 questions about the identified topics, Government counsel should first obtain a ruling at sidebar or
14 otherwise outside the presence of the jury before eliciting testimony about: (1) the defendant's
15 medical marijuana card found in the car in Santa Maria, (2) the defendant's actions of throwing a
16 table at Officer Cazares injuring her in the process before running, (3) the defendant's actions of
17 then stealing a bicycle from a neighboring house in Santa Maria to continue his flight from Officer
18 Cazares, (4) the Defendant's outstanding warrants from LA County regarding an open burglary
19 investigation at the time of the Santa Maria incident, (5) the smell of marijuana emanating from the
20 white Mini Cooper during the vehicle stop on July 20, 2016, which gave Officer Carral and Officer
21 Schnuelle probable cause to ask the Defendant and A.D. to step out of the vehicle and perform a
22 search of the car, and (6) any reference to the Defendant's currently outstanding burglary and theft
23 cases out of Clark County and Los Angeles County. The defendant is hereby warned that his
24 testimony or the cross-examination of the Government's witnesses could open the door to such
25 testimony.

26 DATED this 23rd day of January, 2018.

27 
28 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE